

**REMARKS**

***Status of the Application***

Claims 1-9 have been examined. Claims 5-6 and 8-9 stand rejected under 35 U.S.C. § 102(e), and claims 1-4 and 7 stand rejected under 35 U.S.C. § 103(a).

***Claim Rejections - 35 U.S.C. § 102(e)***

The Examiner has rejected claims 5-6 and 8-9 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,803,929 to Hinegardner et al. (hereinafter “Hinegardner”). Applicants submit that the claims are patentable and respectfully traverse the rejections.

Previously, Applicants had argued that claim 5 is patentable for reasons analogous to the reasons that claim 1 is patentable. Specifically, Applicants argued that Hinegardner does not teach or suggest that data stored in a basic clipboard is pasted if a paste menu is selected before an amount of time counted by a timer is greater than a predetermined amount of time, as required by claim 1. Applicants then argued that claim 5 recites the similar limitation of pasting data stored in a basic clipboard if a signal indicating a user’s selection to the paste menu is received before a predetermined amount of time has passed, and is therefore patentable.

The Examiner has maintained the rejection asserting, on page 8 of the Office Action, that claim 1 makes a comparison to a counted time by a timer to see if a predetermined amount of time has passed while claim 5 only makes a comparison to see if the time has passed. The Examiner further contends that claim 5 is anticipated by Hinegardner based on this subtle yet allegedly distinct difference because Hinegardner teaches that a user can set the time interval to a time they see fit and because Hinegardner teaches a process where a specific keystroke can be

used to copy without making a comparison to time. Applicants respectfully disagree for at least the following reasons.

The Examiner's assertion of Hinegardner's teaching that a user can specify the time interval is irrelevant, as Hinegardner discloses that a file is pasted by holding down a button for *more* than the time interval (col. 5, lines 45-59). Thus, Hinegardner does not teach or suggest pasting data stored in a basic clipboard if a signal indicating a user's selection to the paste menu is received *before* a predetermined amount of time has passed, as required by claim 5.

Additionally, the Examiner contends that a user can perform an action sequence by pointing and selecting a keystroke so that the command is automatically executed, without a wait and before a predetermined time has passed. For support of this contention, the Examiner relies on Hinegardner's teaching that a specific keystroke can be used to perform a paste operation *without making a comparison to time* (col. 8, lines 40-45). However, such an operation occurs *instantaneously*. Here, the Examiner seems to ignore the recitation of claim 5 of determining whether a predetermined amount of time has passed after a paste menu is activated. The claim inherently indicates that an amount of time is measured and compared to a predetermined amount of time. In the embodiment of Hinegardner relating to the instantaneous execution of a paste operation, no amount of time is measured, and no comparison to time is made. Thus, this embodiment of Hinegardner does not teach pasting data if a signal indicating a user's selection to a paste menu is received *before a predetermined amount of time has passed*, as required by claim 5.

Moreover, the separate embodiment of Hinegardner involving an instantaneous operation does not teach or suggest determining whether a predetermined amount of time has passed after a paste menu is activated, as required by claim 5. In order to supply this deficiency, the Examiner

seemingly relies on the alternative embodiment of Hinegardner in which a paste is executed if a user holds the mouse for an interval of time. However, the Examiner may *not* combine features from different embodiments without motivation to do so. *In re Kramer*, 18 USPQ2d 1415, 1416 (Fed. Cir. 1991). Here, the embodiment of Hinegardner relating to the instantaneous keystroke is mutually exclusive from the embodiment of Hinegardner in which a user holds the mouse for an interval of time, as one executes a command *without* making a comparison to time (col. 8, lines 40-45), while the other requires such a comparison in order to execute the command. Thus, there is no basis to combine features of these embodiments. Moreover, the latter embodiment teaches that a file is pasted by holding down a button for *more* than the time interval (col. 5, lines 45-59). As discussed above, this is opposite to the recitations of claim 5.

Furthermore, Applicants submit that Hinegardner does not teach a multi-clipboard executing unit which *displays the data stored in the multi-clipboard*, as required by claim 1. In the Office Action, the Examiner asserts that col. 5, lines 45-60 and col. 6, lines 45-54 teach this feature. However, the cited portions merely disclose copying and storing a file in a queue. Figure 9 which was also cited by the Examiner merely shows that the pointer 160 has a queue entry signifier 170 to indicate that multiple files have been stored in the queue. Thus, Hinegardner merely teaches that an indicator, rather than the files themselves, are displayed.

In view of the foregoing, Applicants submit that claim 5 is not anticipated by Hinegardner. Applicants also submit that claims 6 and 8-9, being dependent on claim 5, are patentable at least by virtue of their dependency.

***Claim Rejections - 35 U.S.C. § 103(a)***

Claims 1-3

The Examiner has rejected claims 1-3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinegardner in view of U.S. Patent Application Publication No. 2002/0143985 to Goldstein et al. (hereinafter “Goldstein”). Applicants submit that the claims are patentable and respectfully traverse the rejection.

For example, claim 1 recites a basic clipboard executing unit which pastes data stored in a basic clipboard if a paste menu is selected before the amount of time counted by the timer is greater than a predetermined amount of time. A multi-clipboard executing unit displays data stored in a multi-clipboard if the paste menu is selected after the amount of time counted by the timer is greater than the predetermined amount of time.

The Examiner asserts that Hinegardner teaches many features of the claim, but acknowledges that Hinegardner does not expressly teach the claimed basic clipboard executing unit which pastes data stored in a basic clipboard if a paste menu is selected before the amount of time counted by the timer is greater than a predetermined amount of time. The Examiner relies on Goldstein to supply this deficiency.

Goldstein is directed to a method of intersystem cut and paste which addresses a conflict which occurs when information has been cut or copied to both a memory buffer 280 shared by a network of systems and a standard buffer for a particular system. Goldstein discloses that substantially dedicated keystroke sequences are employed for copying to the shared memory buffer 280. A user may indicate a desire to copy information by depressing the “Ctrl” key and then, within a predetermined time, depressing the “c” key. If the time elapsed between the keystrokes is within the predetermined time limit, the selected information is copied to the shared memory buffer 280. This technique may be applied to cut or paste operations, as well.

On page 5 of the Office Action, the Examiner asserts that Hinegardner teaches that a paste operation is executed *after* a time interval expires. Clearly, this is opposite to the teachings of Goldstein in which a paste command is executed *before* a predetermined time limit expires. Thus, Goldstein teaches away from this embodiment of Hinegardner. In order to overcome this, the Examiner asserts that Hinegardner's user may set the time interval to zero such that the paste would be executed automatically without a time interval attached. The Examiner further contends that it would have been obvious to modify the system of Hinegardner to include a feature to copy the contents of the selected item to the clipboard before a predetermined time limit expires. Applicants respectfully disagree for at least the following reasons.

Hinegardner's teaching related to the instantaneous keystroke is mutually exclusive from Goldstein's teachings in which a user depresses a series of keystrokes, as Hinegardner executes a command *without* making a comparison to time (col. 8, lines 40-45), while Goldstein requires such a comparison in order to execute the command. Thus, there is no basis to combine features of these embodiments.

Moreover, the teachings of Hinegardner and Goldstein could not be combined as asserted by the Examiner. If Hinegardner's time interval is set to zero, it is not possible to execute a paste command before a predetermined time limit, as taught by Goldstein. At best, the paste command would be executed *simultaneously* with the keystroke as no amount of time expires (i.e. time interval = zero). Thus, combination of Hinegardner and Goldstein, as asserted by the Examiner, would not teach or suggest a basic clipboard executing unit which pastes data stored in a basic clipboard if a paste menu is selected *before* the amount of time counted by the timer is greater than a predetermined amount of time, as required by claim 1.

Furthermore, Applicants submit that Hinegardner does not teach a multi-clipboard executing unit which *displays the data stored in the multi-clipboard*, as required by claim 1. In the Office Action, the Examiner asserts that col. 5, lines 45-60 and col. 6, lines 45-54 teach this feature. However, the cited portions merely disclose copying and storing a file in a queue. Figure 9 which was also cited by the Examiner merely shows that the pointer 160 has a queue entry signifier 170 to indicate that multiple files have been stored in the queue. Thus, Hinegardner merely teaches that an indicator, rather than the files themselves, are displayed. Goldstein does not cure this deficiency.

In view of the foregoing, Applicants that the combination of Hinegardner and Goldstein does not render claim 5 unpatentable. Applicants also submit that claims 2 and 3, being dependent on claim 1, are patentable at least by virtue of their dependency.

#### Claims 4 and 7

The Examiner has rejected claims 4 and 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinegardner in view of Goldstein and further in view of U.S. Patent Application Publication No. 2003/0076364 to Martinez et al. (hereinafter "Martinez"). Because claims 4 and 7 are dependent on one of claims 1 and 5, and because Martinez does not supply the deficiencies of Hinegardner and Goldstein, Applicants submit that claims 4 and 7 are patentable at least by virtue of their dependency.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

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